

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

ERIC EUGENE FULLER,

Petitioner,

v.

Case No. 3:21-cv-175-MMH-MCR

SECRETARY, FLORIDA  
DEPARTMENT OF CORRECTIONS,  
et al.,

Respondents.

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**ORDER OF DISMISSAL WITHOUT PREJUDICE**

Petitioner Eric Fuller, an inmate of the Florida penal system, initiated this action on January 26, 2021, when he filed a pro se Petition Under 28 U.S.C. § 2254 by a Person in Custody Pursuant to a State Court Judgment (Petition; Doc. 1) in the United States District Court for the Northern District of Florida. On February 22, 2021, the Northern District transferred the Petition to this Court. See Doc. 4. In the Petition, Fuller challenges a state court conviction arising from a Duval County criminal case, Case Number 16-2013-CF-001305-AXXX-1. Upon review, Fuller has previously filed a habeas petition in this Court, Case Number 3:21-cv-163-MMH-MCR, challenging the same underlying state conviction, which is currently pending. In light of

Fuller's earlier filed case, the Court finds the instant case is due to be dismissed without prejudice to Fuller's right to pursue his claims in Case Number 3:21-cv-163-MMH-MCR.

Accordingly, it is

**ORDERED AND ADJUDGED:**

1. This case is hereby **DISMISSED WITHOUT PREJUDICE**.
2. The Clerk of Court shall enter judgment dismissing this case without prejudice, terminating any pending motions, and closing the case.

**DONE AND ORDERED** at Jacksonville, Florida, this 24th day of February, 2021.

  
MARCIA MORALES HOWARD  
United States District Judge

Jax-8

c: Eric Eugene Fuller #0-J53450